

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07cv95**

<b>HENDERSON OIL COMPANY, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>RON L. COWART,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the court on a letter from Ron L. Cowart dated February 7, 2008, which accompanied the original of his Motion in Limine. Mr. Cowart is advised that motions are to be filed with the Clerk of this court, not sent by letter to chambers. The court has given such motion to the Clerk of this court for filing, and the substance of the motion will be addressed at the Final Pretrial Conference.

Defendant also seeks relief in his letter to this court which is not included in his Motion In Limine. Defendant is advised that if he seeks relief from the court, he must make such request in the form of a motion filed with the Clerk of this court. In the substance of the letter, defendant asks to be allowed to present his testimony “under oath and submit it as a numbered statement and [sic] question and answer format.” As a *pro se* litigant, defendant is advised that he has a right to testify in his own behalf; however, unless a witness is unavailable, all testimony will be “live” and will be subject to the Federal Rules of Evidence, including cross examination by counsel for

plaintiff. Where a *pro se* litigant testifies, he does not ask himself questions, but simply takes the stand and provides testimony. The court may ask questions during the direct examination for purposes of clarification, and counsel for plaintiff may interpose objections.

## ORDER

**IT IS, THEREFORE, ORDERED** that the letter from Ron L. Cowart dated February 7, 2008, is deemed to be his second Motion In Limine and the relief sought therein is **DENIED**.

While defendant has a right to represent himself, defendant is again strongly advised to retain substitute counsel in advance of trial.

Signed: February 15, 2008

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

